

REMARKS

- 1) **Allowable Subject Matter.** Claims 1-10, 20, 25-27, and 32 are allowed.
- 2) **35 USC 103.** Claims 11-19, 21-24, 28-31, and 33-36 are rejected under 35 USC 103 as being unpatentable over Chen, *et al.* (USPN 6,300,888) in view of Katta, *et al.* (USPN 5,636,279), and further in view of Grill, *et al.* (USPN 5,579,430).

Each of independent Claims 11-13, 17, 21-24, 28-31, and 33-36 is rejected under 35 USC 103 on the combination of these three references.

The Examiner's rejection is traversed on the basis that Grill, *et al.* (USPN 5,579,430) is prior art that is commonly owned and subject to exclusion under 35 USC 103(c). In particular, it can be seen that Grill, at least as of its issue date of 26 November 1996, was owned by Fraunhofer. The Grill patent is currently owned by Fraunhofer. At the time the subject invention was made, the inventors were under an obligation to assign the invention to Fraunhofer. Such an assignment was indeed made in writing at the time in which the application herein was prepared, and a copy of this assignment is attached hereto as Exhibit A. To establish common ownership, the MPEP (706.02(I)) indicates that the following statement is sufficient evidence to establish common ownership of the same persons or organizations. Thus, the following statement is provided in accordance with the current Patent Office practice:

Statement Concerning Common Ownership

At the time the subject invention was made, both the application and the Grill reference were owned by the common assignee, Fraunhofer.

All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment or both (18 USC § 1001) and may jeopardize the validity of this application or any patent issuing thereon.

In view of the foregoing, the rejections under 35 USC 103 are deemed traversed and the application is now considered to be in allowable condition.

Should the Examiner deem it helpful, he is encouraged to contact Applicant's Attorney, Michael A. Glenn, at (650) 474-8400.

Respectfully Submitted,



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